

FILED  
1 DEC 17 PM 3:17  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Marlon Estacio Pagtakhan

Plaintiff,

CASE NO. \_\_\_\_\_

vs.

Sheriff Don Horsley

Defendant.

**PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

SI

(PR)

16 I, Marlon E. Pagtakhan declare, under penalty of perjury that I am the  
17 plaintiff in the above entitled case and that the information I offer throughout this application  
18 is true and correct. I offer this application in support of my request to proceed without being  
19 required to prepay the full amount of fees, costs or give security. I state that because of my  
20 poverty I am unable to pay the costs of this action or give security, and that I believe that I am  
21 entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes        No X

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the  
25 name and address of your employer:

26 Gross: n/a Net: n/a

27 Employer: n/a

1 If the answer is "no," state the date of last employment and the amount of the gross and net  
 2 salary and wages per month which you received. (If you are imprisoned, specify the last  
 3 place of employment prior to imprisonment.)

4 8/10/07 gross \$2,000 (estimate) (18.00/hour)  
 5 net \$1,600 (estimate) (varied schedule)

6 Celtic Moving & Storage, Donner St., SF, CA.

7 2. Have you received, within the past twelve (12) months, any money from any of the  
 8 following sources:

9 a. Business, Profession or Yes        No  X    
 10 self employment

11 b. Income from stocks, bonds, Yes        No  X    
 12 or royalties?

13 c. Rent payments? Yes        No  X  

14 d. Pensions, annuities, or Yes        No  X    
 15 life insurance payments?

16 e. Federal or State welfare payments, Yes        No  X    
 17 Social Security or other govern-  
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount  
 20 received from each.

21 n/a

23 3. Are you married? Yes        No  X  

24 Spouse's Full Name: n/a

25 Spouse's Place of Employment: n/a

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ n/a Net \$ n/a

28 4. a. List amount you contribute to your spouse's support: \$ n/a

1 b. List the persons other than your spouse who are dependent upon you for  
 2 support and indicate how much you contribute toward their support. (NOTE:  
 3 For minor children, list only their initials and ages. DO NOT INCLUDE  
 4 THEIR NAMES.).

mother and father \$500.00/month  
for food and misc. expenses

5. Do you own or are you buying a home? Yes        No X

8. Estimated Market Value: \$ n/a Amount of Mortgage: \$ n/a

9. 6. Do you own an automobile? Yes        No X

10. Make n/a Year n/a Model n/a

11. Is it financed? Yes        No        If so, Total due: \$ n/a

12. Monthly Payment: \$ n/a

13. 7. Do you have a bank account? Yes X No        (Do not include account numbers.)

14. Name(s) and address(es) of bank: Wells Fargo

15. Broadway, Burlingame Ca. 94010

16. Present balance(s): \$ 0 (possibly closed out)

17. Do you own any cash? Yes        No X Amount: \$ 0

18. Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 19. market value.) Yes X No       

20. "Studio sized" household goods & clothing in storage (.60/lb. movers  
 valuation)

21. 8. What are your monthly expenses?

22. Rent: \$ 183 storage <sup>(paid by sister)</sup> Utilities: \$ n/a

23. Food: \$ n/a Clothing: \$ n/a

24. Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
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<u>none</u>	\$ <u>0</u>	\$ <u>0</u>
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<u>none</u>	\$ <u>0</u>	\$ <u>0</u>
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<u>none</u>	\$ <u>0</u>	\$ <u>0</u>	9. Do
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1 you have any other debts? (List current obligations, indicating amounts and to whom they are  
2 payable. Do not include account numbers.)

3 none  
4 \_\_\_\_\_

5 10. Does the complaint which you are seeking to file raise claims that have been presented  
6 in other lawsuits? Yes        No X

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in  
8 which they were filed.

9 n/a  
10 \_\_\_\_\_

11 I consent to prison officials withdrawing from my trust account and paying to the court  
12 the initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and  
14 understand that a false statement herein may result in the dismissal of my claims.

15 12/10/07  
16 DATE

Marlon E. Pagtakhan  
17 SIGNATURE OF APPLICANT

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1  
2 Case Number: \_\_\_\_\_  
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9 **CERTIFICATE OF FUNDS**  
10  
11 **IN**  
12  
13 **PRISONER'S ACCOUNT**  
14  
15  
16

17 I certify that attached hereto is a true and correct copy of the prisoner's trust account  
18 statement showing transactions of Marlon E. Pagtakhan for the last six months  
19 at AKA PAKTAKHAN ID. #1079584

20 [prisoner name]

21 Maguire Correctional where (s)he is confined.  
22 [name of institution]

23 I further certify that the average deposits each month to this prisoner's account for the  
24 most recent 6-month period were \$ 20.00 and the average balance in the prisoner's  
25 account each month for the most recent 6-month period was \$ 11.50.  
26

27 Dated: 12-11-07

28 Tony LOS (Team 3)

[Authorized officer of the institution]

[S]

01:00:03 11 Dec 2007

ID NUMBER: 1079584

INMATE: PAKTAKHAN, MARLON

DATE	TIME	RECEIPT	DEPOSIT OR <WITHDRAW>	BALANCE	AUTHORIZATION
12 Aug 07	13:44	1637308	3.00	3.00	NEW
15 Aug 07	06:02	2259057	<3.00>	0.00	COMMISSARY
19 Aug 07	13:13	1497971	50.00	50.00	DN/JOANNA (SISTER)
22 Aug 07	06:12	2171752	<25.00>	25.00	COMMISSARY
23 Aug 07	10:38	2260014	<25.00>	0.00	COMMISSARY
25 Aug 07	14:30	1498652	25.00	25.00	MOM
29 Aug 07	06:05	2016794	<10.00>	15.00	COMMISSARY
30 Aug 07	08:04	2016886	<14.70>	0.30	COMMISSARY
01 Sep 07	19:17	1499400	20.00	20.30	GV/JOANNA
05 Sep 07	06:32	2260831	<20.00>	0.30	COMMISSARY
12 Sep 07	20:58	1400677	40.00	40.30	JOANNA
13 Sep 07	10:38	2261526	<20.30>	20.00	COMMISSARY
19 Sep 07	06:29	2174069	<11.80>	8.20	COMMISSARY
20 Sep 07	11:04	2174261	<8.20>	0.00	COMMISSARY
03 Oct 07	19:20	1402954	50.00	50.00	CO/ FROM JOANNA
04 Oct 07	10:37	2262892	<20.90>	29.10	COMMISSARY
10 Oct 07	06:15	2175730	<2.30>	26.80	COMMISSARY
11 Oct 07	10:49	2263641	<13.80>	13.00	COMMISSARY
17 Oct 07	06:05	2263926	<11.50>	1.50	COMMISSARY
18 Oct 07	10:36	2264155	<1.50>	0.00	COMMISSARY
21 Oct 07	21:06	1404905	15.00	15.00	CO: JOANNA AND CHRISTIAN
24 Oct 07	06:36	2264482	<9.50>	5.50	COMMISSARY
25 Oct 07	11:14	2176946	<5.40>	0.10	COMMISSARY
28 Oct 07	13:20	1405549	20.00	20.10	DN/MOM
31 Oct 07	06:36	2177476	<19.90>	0.20	COMMISSARY
01 Nov 07	12:01	2177737	<0.20>	0.00	COMMISSARY
10 Nov 07	13:54	1406980	20.00	20.00	DN/MOM
14 Nov 07	07:38	2266006	<19.90>	0.10	COMMISSARY
28 Nov 07	19:51	1408821	20.00	20.10	CO: MOM
29 Nov 07	14:14	2266982	<20.10>	0.00	COMMISSARY
06 Dec 07	20:22	1409697	30.00	30.00	CO: MOM
07 Dec 07	06:26	2180045	<18.50>	11.50	COMMISSARY